

DECISION



25631
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-205527

DATE: July 1, 1983

MATTER OF: A.T. Kearney, Inc.

DIGEST:

Even if scoring of price, in evaluating proposals could be shown protester would not have been prejudiced because price difference was outweighed by significant difference in technical merit of protester's and awardee's proposals.

A. T. Kearney, Inc. has filed a protest and claim for proposal preparation costs in connection with the award of a contract to Joseph A. Sedlak Management Consultants, Inc. for award under Request for Proposals (RFP) DAAG38-81-R-0037 issued by the Tobyhanna Army Depot. The solicitation sought proposals to prepare a specification and detailed cost estimate for a material handling system. Kearney complains that the Army used improper methods to evaluate proposals and disregarded the RFP evaluation criteria in selecting Sedlak. It asserts that had the evaluation been conducted fairly, it rather than Sedlak would have received award. We deny the protest and disallow the claim for proposal preparation costs.

The RFP provided for the award of a fixed price contract after selection of an awardee on the basis of technical merit and price, which were to be accorded equal weight. Eleven proposals were received; all were considered as falling within the competitive range. After submission of best and final offers, prices varied from a low of \$71,500 to a high of \$241,600 and were assigned price scores ranging from 29.59 to 100 points. Technical scores assigned ranged from 7 to 100 points.

Kearney complains that the Army scored proposals arbitrarily, without regard to the evaluation criteria stated in the RFP. In Kearney's view the difference (out of the 100 price points allowed) between its price score (36.10 points) and Sedlak's price score (31.2 points) should equal

026046

the percentage difference between their prices. This did not occur, Kearney argues, because the Army used a normalized scoring method in which price points were assigned by dividing each offeror's price into the lowest price quoted by any offeror and by then multiplying the results by 100.

Kearney also believes there was little difference in technical scores between its and Sedlak's proposal. According to Kearney, it was told during its debriefing that its proposal was considered to be "very close" to Sedlak's proposal in technical merit. Kearney believes its proposal should have outranked Sedlak's because the Government would have saved \$31,553 over what the Army is paying Sedlak. As a result, Kearney asserts that it, not Sedlak, should have received award.

The record indicates, however, that Kearney was not prejudiced even if it were able to show that the Army's price scoring approach was deficient. This is because any error in scoring price would have been more than offset by the difference in Kearney's and Sedlak's technical scores. Kearney's price (\$197,482) was 86.2 percent of Sedlak's price (\$229,035). Kearney received a technical score of 70 points which was 70 percent of Sedlak's perfect technical score of 100 points. Thus, the proportionate difference in technical scores assigned Kearney's and Sedlak's proposals was appreciably greater than the proportionate difference in their prices.

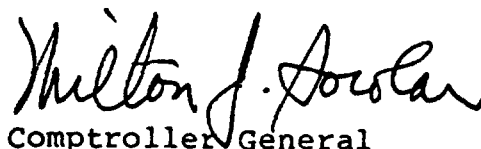
We note, in this regard, that the technical evaluation itself is not in issue, that is, the individual elements of the evaluation have not been challenged. Kearney's complaint is based simply on its assertion that it was told its technical proposal was very close to Sedlak's in quality, which the Army denies.

The record supports the Army's position. The RFP indicates that proposals were to be evaluated with respect to five principal technical criteria:

- "a. Method of completing scope of work.
- "b. Organization skills of project team.
- "c. Proper use of simulations and mathematical techniques.
- "d. Amount of interaction with or burden placed on Tobyhanna Army Depot personnel.
- "e. Realistic milestones."

The evaluators considered Sedlak's technical proposal to be markedly superior to Kearney's in its explanation of the methodology to be used in completing the scope of work and with respect to the scheduling of work. Sedlak also was higher rated than Kearney with respect to project team skill because the design of material handling systems was not viewed as Kearney's main area of expertise. Kearney's proposal was, by comparison, far less detailed than was Sedlak's proposal. Sedlak was able to draw heavily upon its prior experience in designing similar systems and presented very specific detail in its proposal, including comprehensive check lists of factors to be considered, schedules and other planning documents.

Since we do not believe Kearney was prejudiced by the Army's use of normalized pricing, its protest is denied, as is the claim for proposal preparation costs. Management Services, Inc., B-206364, August 23, 1982, 82-2 CPD 164.

for 
Comptroller General
of the United States